

TOWN BOARD MEETING
 WEDNESDAY, MAY 7, 2008; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Highway Superintendent Fayo, Town Attorney Blythe, Deputy Police Chief Hovey

Supervisor Green called to order the Town Board meeting and presided over same.

#1 ON AGENDA: MINUTES

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the Minutes of the Town Board meeting held on April 2, 2008, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 5-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

WATER DEPARTMENT

#2 ON AGENDA: MOTION – AUTHORIZE EXECUTION OF WATER AGREEMENT WITH NYS DOT - WATER DISTRICT #9

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Water Agreement between Town of New Windsor and New York State Department of Transportation for Water District #9.

Roll Call: All Ayes

Motion Carried: 5-0

#3 ON AGENDA: MOTION – AUTHORIZE EXECUTION OF AGREEMENT – TOWN OF NEW WINDSOR AND CONRAD GEOSCIENCE CORP. - LITTLE FALLS POND WELLS

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between Town of New Windsor and Conrad Geoscience Corp. for environmental consultation related to Little Falls Pond Wells.

Roll Call: All Ayes

Motion Carried: 5-0

SANITATION DEPARTMENT

GENERAL

#4 ON AGENDA: RECEIVE AND FILE FINAL REPORT AND RECOMMENDATION OF LOCAL REDEVELOPMENT AUTHORITY – STEWART USARC BRAC

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Final Report & Recommendations of the Local Redevelopment Authority for the Stewart United States Army Reserve Center.

#5 ON AGENDA: RECEIVE AND FILE FULLY EXECUTED AGREEMENT WITH ORANGE COUNTY – NYS MASS TRANSPORTATION OPERATING ASSISTANCE PROGRAM

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Agreement with Orange County pertaining to the New York State Mass Transportation Operating Assistance Program.

#6 ON AGENDA: MOTION – AUTHORIZE SUPERVISOR TO EXECUTE PILOT AGREEMENT AND RELATED DOCUMENTS- WARWICK PROPERTIES (NEW WINDSOR SENIOR HOUSING)

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Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Payment in Lieu of Taxes (PILOT) Agreement and related documents between the Town of New Windsor and Warwick Properties for New Windsor Senior Housing.

Roll Call: All Ayes

Motion Carried: 5-0

#7 ON AGENDA: RECEIVE AND FILE QUITCLAIM DEED – COVINGTON ESTATES

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Quitclaim Deed between Town of New Windsor and RRMGNWH, LLC, dated January 10, 2008, and recorded in the Orange County Clerk's office on the 25th day of January, 2008, as File #20080009615 (Covington Estates).

#8 ON AGENDA: MOTION – AUTHORIZE RELEASE OF PUBLIC IMPROVEMENT BOND – CLASSIC HOMES LLC

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the release of a Public Improvement Bond for Classic Homes, LLC a/k/a Kings Road, LLC – Mason Lane, Planning Board File #03-16, in the amount of \$64,735.00 upon receipt of a one year Maintenance Bond in the amount of \$6,474.00, as recommended by the Town Engineer, McGoey, Hauser & Edsall, Consulting Engineers, P.C., by correspondence dated August 28, 2007.

Roll Call: All Ayes

Motion Carried: 5-0

#9 ON AGENDA: MOTION – AUTHORIZE RELEASE OF PRIVATE IMPROVEMENT BOND – CLASSIC HOMES, LLC

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the release of a Private Improvement Bond for Classic Homes, LLC a/k/a Kings Road, LLC – Mason Lane, Planning Board File #03-16, in the amount of \$122,030.80, as recommended by the Town Engineer, McGoey, Hauser & Edsall, Consulting Engineers, P.C., by correspondence dated August 28, 2007.

Roll Call: All Ayes

Motion Carried: 5-0

#10 ON AGENDA: MOTION – AUTHORIZE EXECUTION OF INTERMUNICIPAL COOPERATION AGREEMENT – OC MUNICIPAL PARKS PLANNING PROGRAM

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor Green to execute attached Agreement between Town of New Windsor and County of Orange for funding to support the creation and enhancement of local parks and other recreational, historic and/or cultural facilities in the amount of \$130,300.00.

Roll Call: All Ayes

Motion Carried: 5-0

#11 ON AGENDA: MOTION – ADOPT ORDER CALLING PUBLIC HEARING – ESTABLISHMENT OF DRAINAGE DISTRICT #13 – SHADOWFAX RUN DEVELOPMENT

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt an Order Calling Public Hearing to be held on June 4, 2008, at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. to establish Drainage District #13, Shadowfax Run Development, in accordance with Resolution attached hereto.

Roll Call: All Ayes

Motion Carried: 5-0

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**#12 ON AGENDA: MOTION – ADOPT ORDER CALLING PUBLIC HEARING –
COMMUNITY DEVELOPMENT BLOCK GRANT – FY 09**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt an Order Calling Public Hearing for the Community Development Block Grant for fiscal year 2009, to be held on June 4, 2008, at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m.

Roll Call: All Ayes

Motion Carried: 5-0

**#13 ON AGENDA: MOTION – AUTHORIZE SUPERVISE TO EXECUTE SETTLEMENT
AGREEMENT AND RELEASE – RAMRIKHI VS. TOWN OF NEW WINDSOR**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize Supervisor to execute Settlement Agreement, Release and all related documents in the matter of "Ramrikhi vs. Town of New Windsor" as recommended by the Town Attorney.

Roll Call: All Ayes

Motion Carried: 5-0

**#14 ON AGENDA: MOTION – AUTHORIZE EXECUTION OF RESTORE NY (ROUND II) GRANT
CONTRACT WITH NYS URBAN DEVELOPMENT CORPORATION D/B/A EMPIRE STATE
DEVELOPMENT CORPORATION – NEW YORK INTERNATIONAL PLAZA**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor to execute Restore New York (Round II) Grant Contract and all other necessary documents between Town of New Windsor and New York State Urban Development Corporation d/b/a Empire State Development Corporation ("ESDC") or other necessary agencies for demolition of forty eight (48) buildings at New York International Plaza.

Roll Call: All Ayes

Motion Carried: 5-0

**#15 ON AGENDA: MOTION – AUTHORIZE TOWN ENGINEERS TO SOLICIT SEALED BIDS – ERIE
AVENUE TO NYS ROUTE 94 SEWER REPLACEMENT PROJECT**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize McGoe, Hauser & Edsall, Consulting Engineers, P.C., to solicit sealed bids and authorize Supervisor to select dates for advertisement and receipt of bids regarding Erie Avenue to New York State Route 94 Sewer Replacement Project.

Roll Call: All Ayes

Motion Carried: 5-0

**#16 ON AGENDA: MOTION – AUTHORIZE SUPERVISOR TO EXECUTE PRE-DISASTER
MITIGATION GRANT CONTRACT – NYS EMERGENCY MANAGEMENT OFFICE (SEMO)**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize Supervisor to execute Pre-Disaster Mitigation Grant Contract between Town of New Windsor and New York State Emergency Management Office (SEMO) for preparation of Townwide Multi-Hazard Mitigation Plan.

Roll Call: All Ayes

Motion Carried: 5-0

#17 ON AGENDA: RECEIVE AND FILE LAND LEASE WITH FAA – RADAR TOWER

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Land Lease between Town of New Windsor and Federal Aviation Administration (FAA), dated April 25, 2008.

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#18 ON AGENDA: RECEIVE AND FILE BID – STP ODOR CONTROL PROJECT

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk, a bid received and publicly opened on April 29, 2008 for the Sewer Treatment Plant Odor Control Project, submitted by C.A. Phillips Construction, 1339 State Route 55, Eldred, New York, in the amount of \$235,388.00.

#19 ON AGENDA: MOTION – AUTHORIZE ISSUANCE OF SOLICITOR'S PERMIT – HEATHER SHUTTER

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize a Solicitor's Permit submitted by Heather Shutter, 31 Lori Street, Poughkeepsie, New York, to sell pre-packaged ice cream throughout the Town of New Windsor. Permit shall be obtained from the Town Clerk's Office.

Roll Call: All Ayes

Motion Carried: 5-0

20 ON AGENDA: OFFICIALS REPORTS

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of March 2008
Receiver of Taxes (water, sewer, garbage)	Month of March 2008
Receiver of Taxes (monthly tax statement)	Month of March 2008
Building Department	Month of April 2008
Fire Prevention	Month of April 2008
Justice Court – Richard W. Thorpe	Month of April 2008
Justice Court – Donald J. Suttlehan	Month of April 2008
Receiver of Taxes (water, sewer, garbage)	Month of April 2008
Receiver of Taxes (monthly tax statement)	Month of April 2008
Recreation Department	Month of April 2008
Town Clerk	Month of April 2008

21 ON AGENDA: PUBLIC FORUM

Supervisor Green opened the public forum by asking if any of the Town Board members had any comments they wished to make.

Leo Braun asked what the status is with New York City and the aqueduct. Supervisor Green said that a meeting was held on April 30 attended by the Department of Environmental Protection, the Department of Health, the City and Town of Newburgh, the Town of New Windsor, the Port Authority and Orange County. He was not at liberty to release the details of the meeting due to ongoing negotiations, however Supervisor Green said that the long term outlook for our water problems looks very good and our problems with water are on their way to being solved.

Umbert Merolli residing at 187 Highwood Drive spoke about an ongoing problem with the developers of Windsor Crest. He said there continues to be erosion problems, out of control weed growth, dead trees, standing water and debris which has never been cleaned up. Mr. Merolli said he filed a complaint two years ago with the Town Fire Inspectors and violations were issued in June of 2006 by them although the Fire Inspector said he could not reach the owner of the property. Mr. Merolli said the address was turned over to the Town in February 2007 and the violations still have not been remedied by the developers. Mr. Merolli said he filed another complaint last month and was told that the preliminary agreement between the property owner and the board president resulted in \$2,500 being given for a partial cleanup of the property. Mr. Merolli said that amount of money will not begin to clear up the problem. Mr. Merolli asked why, if we have various sections of Town Code which covers these issues, has there been no resolution.

Supervisor Green said the homeowner's association is going to hire someone to start the clean up work but part of the problem is that a major contributor to the Phase 3 Homeowner's Association is the property owner. The supervisor said that today a letter went out to the New York Attorney General's office asking that a meeting be set up with the homeowner's association and asking the Attorney

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General's office to step in. He also said that the Town is not going to go onto private property and clean up. Mr. Merolli said that according to the Town Code, the Town could go onto private property and get reimbursement by adding the due amount to the owner's tax bill.

Supervisor Green said that at this point we have to wait and see what the Attorney General's office is going to do. Mr. Merolli said that he received a phone call today from the DEC and they are issuing a violation and deficiency letter to the property owner immediately.

Kirk Williams asked where the property just being discussed was located and was told it was Phase 3 of the Windsor Crest Condominiums on Route 32.

Hearing no one else wishing to speak, the Supervisor entertained a motion to close the public forum.

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 5-0

22 ON AGENDA: ADJOURN

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:28 p. m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc